



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

AUG 27 2015

OFFICE OF  
CIVIL RIGHTS

**Return Receipt Requested**

Certified Mail#: 7009 2820 0002 1759 1186

**In Reply Refer to:**

EPA File No 21U-15-R4

Commissioner  
Alabama Department of Corrections  
301 South Ripley Street  
P.O. Box 301501  
Montgomery, Alabama 36130-1501

**Re: Notification of Receipt, Rejection, and Referral of Administrative Complaint**

To Whom It May Concern:

This letter is to notify you that the U.S. Environmental Protection Agency, Office of Civil Rights (OCR), is rejecting the referenced complaint from an inmate in the Alabama Department of Corrections. In the complaint received July 21, 2015, the inmate alleged that the Alabama Correctional Facility employees at Limestone Correctional Facility are not enforcing the Alabama Clean Indoor Air Act, ALA Code § 22-15A-1 *et seq.* EPA is rejecting and referring this complaint to the Department of Justice's (DOJ) Civil Rights Division due to its lack of jurisdiction.

Pursuant to EPA's nondiscrimination regulations, the OCR conducts a preliminary review of correspondence to determine acceptance, rejection, or referral. 40 C.F.R. § 7.120(d)(1). To be accepted for investigation, correspondence must meet the jurisdictional requirements described in EPA's Part 7 regulations. First, it must be in writing. Second, it must describe an alleged discriminatory act that, if true, may violate EPA's nondiscrimination regulations (*i.e.*, an alleged discriminatory act based on race, color, national origin, sex, age, or disability). Third, it must be filed within 180 calendar days of the alleged discriminatory act. Finally, correspondence must be filed against an applicant for, or a recipient of, EPA assistance that allegedly committed the discriminatory act.

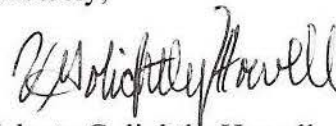
After careful review, the OCR is rejecting the subject referenced complaint because: 1) neither the Limestone Correctional Facility nor the Alabama Department of Corrections is an applicant for, or recipient of, EPA financial assistance; and 2) Complainant does not allege a discriminatory act that may violate EPA's nondiscrimination regulations. Therefore, the complaint does not fall within the OCR's jurisdiction, and the OCR must reject it for investigation. The decision not to investigate

amounts to a decision on the merits. Rather, it means the complaint has not met the jurisdictional criteria.

However, due to the circumstances underlying the Complainant's allegation, the OCR is referring his complaint for potential further action to the DOJ. A copy of the letter to DOJ is enclosed. The contact at DOJ is Michael Alston. Mr. Alston's contact information is U.S. Department of Justice, 810 Seventh Street, N.W., Washington D.C., 20531, (202) 354-4380, [askOCR@ojp.usdoj.gov](mailto:askOCR@ojp.usdoj.gov).

If you have any questions, please contact William Yon at (202) 564-5617, at [yon.william@epa.gov](mailto:yon.william@epa.gov), or at U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue, N.W., Washington, D.C., 20460. Thank you.

Sincerely,



Velveta Golightly-Howell  
Director, EPA OCR  
Office of Civil Rights

Enclosure

cc: Elise Packard  
Associate General Counsel  
Civil Rights & Finance Law Office, EPA  
(MC 2399A)

Vickie Tellis  
Acting Assistant Regional Administrator  
U.S. EPA Region IV  
(MC 9T25)



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WASHINGTON, D.C. 20460

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Certified Mail#:7009 2820 0002 1759 1162

**In Reply Refer to:**

EPA File No 21U-15-R4

OFFICE OF  
CIVIL RIGHTS

Mr. Michael Alston  
Director, Office of Civil Rights  
Office of Justice Programs  
U.S. Department of Justice  
810 Seventh Street, N.W.  
Washington, D.C. 20531-3718

**Re: Referral of Administrative Complaint EPA File Number 21U-15-R4**

Dear Mr. Alston:

This letter is to notify you that the U.S. Environmental Protection Agency (EPA), Office of Civil Rights (OCR), is referring the subject complaint that we received on July 21, 2015 from an inmate in Limestone Correctional Facility to your office due to its lack of jurisdiction. The Complainant alleged that Alabama Department of Corrections employees at Limestone (ADOC) are not enforcing the Alabama Clean Indoor Air Act, ALA Code § 22-15A-1 *et seq.* However, since neither the Limestone Correctional Facility nor the Alabama Department of Corrections is an applicant for, or recipient of, EPA financial assistance, the inmate's complaint does not fall within the OCR's jurisdiction, and the OCR must reject it for investigation. Additionally, the Complainant does not allege a discriminatory act that may violate EPA's nondiscrimination regulations. The OCR has notified the Complainant that his complaint has been forwarded to your office and provided your contact information.

The OCR also notes that the subject complaint is similar to a former administrative complaint filed on January 26, 2015 (EPA File No. 01R-15-R4). In that administrative complaint, the Complainant also alleged that ADOC was not enforcing the Alabama Clean Indoor Air Act. Since the OCR rejected and referred that complaint to your office for lack of jurisdiction, we are also rejecting and referring this amended complaint.

If you have any questions, please contact William Yon at (202) 564-5617, at [yon.william@epa.gov](mailto:yon.william@epa.gov), or at U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue, N.W., Washington, D.C., 20460.

Sincerely,



Velveta Golightly-Howell  
Director  
Office of Civil Rights

Enclosure

cc: Elise Packard  
Associate General Counsel, Civil Rights & Finance Law Office, EPA  
(MC 2399A)

Vickie Tellis  
Acting Assistant Regional Administrator, U.S. EPA Region IV  
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